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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

MAGISTRATE CASE NO. 10 MJ 1353

Plaintiff,

COMPLAINT FOR VIOLATION OF:

v.

Title 18, U.S.C. §2422(b) -
Enticement of a Minor

KEVIN MICHAEL GREGAN,

Defendant.

The undersigned Complainant, being duly sworn, states:

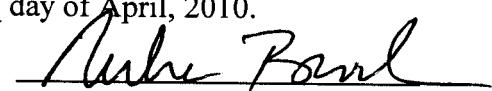
On or about and between May 2009 to March 30, 2010, within the Southern District of California, and elsewhere, the defendant KEVIN MICHAEL GREGAN using a facility and means of interstate and foreign commerce, including the mail and by computer, did knowingly attempt to persuade, induce, entice, and coerce, a minor to engage in unlawful sexual activity for which a person could be charged with a criminal offense, including, but not limited to California Penal Code Section 288.3 [contact with minor to commit sexual offense], California Penal Code Section 647.6 [annoying or molesting a child], or 18 U.S.C. §2251 [Attempted Sexual Exploitation of a Minor]; in violation of Title 18, United States Code, Section 2422(b).

And the complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.



Steve Flores
Special Deputy U.S. Marshal

Sworn to me and subscribed in my presence this 26th day of April, 2010.



UNITED STATES MAGISTRATE JUDGE

II/ST

STATEMENT OF FACTS

I am an Investigator with the District Attorney's Office having been so employed for approximately three (3) years. As of February 2009, I became cross-sworn as a Special Deputy U.S. Marshal. Prior to joining the District Attorney's Office, I was employed by the San Diego Police Department (hereafter referred to as SDPD) for over 23 years. I am currently assigned to the Internet Crimes Against Children Task Force in San Diego and have been so assigned for the past 19 months. This task force includes members of the San Diego Police Department, San Diego Sheriff's Department, U.S. Postal Inspection Service, Federal Bureau of Investigation, Naval Criminal Investigative Service, U.S. Attorney's Office and the San Diego County District Attorney's Office. I have received extensive training and experience with the application and execution of search warrants for several types of criminal investigations, to include child exploitation and other sex crimes investigations.

In May of 2009, 16 year old L.H. met a male who identified himself as "Michael Lewis" on MySpace. During their MySpace communication, Lewis told L.H. he was a photographer and asked her if she would be interested in modeling for him. Lewis told L.H. he would pay her \$500 or more if she allowed him to do a photo shoot. L.H. declined and Lewis became more aggressive. He told her he needed more girls right away and offered to pay her \$800.00. L.H. declined again. Lewis told her he could pay her \$1,000.00, but that was her last chance. She declined again. L.H. deleted Lewis from her "friend list."

During the last week of August 2009, Lewis added L.H. to his "friend's list" again. L.H. reconsidered modeling for him because she needed money for clothes and a cellular phone. She chatted with him via MySpace and told him she was interested in modeling. Lewis asked L.H. to send him a "headshot" photograph of herself. She took a photo with a digital camera and emailed the picture to him. Lewis then told L.H. he wanted to see her body. L. H. took a photo of herself in a bra and underwear and sent it to Lewis. Lewis responded by asking for a nude photograph. L.H. told him "no," and ended the messaging.

1 L.H. checked out Lewis' MySpace page and found a female named "Kelly" on his "friends"
2 list. L.H. contacted Kelly via MySpace messaging and asked her if she knew Lewis. "Kelly" told
3 L.H. she knew Lewis and had modeled for him in the past. "Kelly" described Lewis as being a
4 "cute" white male about six feet tall and having a "six pack" stomach. "Kelly" told L.H. she should
model for Lewis because she was "hot" and that he would pay her.

5 On August 31, 2009, L.H. decided to model for Lewis and sent him an email indicating she
6 would do it. She agreed to meet Lewis down the street from her house at 1:00 P.M. that afternoon
7 and gave him her home address and telephone number. L.H. walked down her street and waited.
8 L.H. noticed a white male about 40 years old driving around the area in a gray car as if he was lost.
9 L.H. started to walk back to her house. The male pulled up to her and asked if she knew where a
10 certain street was. L.H. had never heard of the street before and did not recognize it as being in her
11 neighborhood. The male introduced himself to L.H. as "Kevin" and asked if her name was L.H. She
12 told him it was and he explained he would be taking her pictures because Lewis was busy at a
13 meeting. L.H. described "Kevin" as being a white male, approximately 40 years old, about 6' 1" tall,
14 being fat in build and having gray hair. L.H. got into the car with "Kevin" and he drove her to two
15 different neighborhood parks in the Mira Mesa area of San Diego, but didn't stay because there were
16 people around.

17 "Kevin" asked L.H. if she knew anything about Blacks Beach. She told him she had heard it
18 was a nude beach. He told her it was a nude beach and they would go there so she would be more
19 comfortable. "Kevin" asked if what she would be willing to do in regards to the photo shoot and to
20 make money. L.H. wasn't sure what "Kevin" meant. He asked her if she would be willing to do strip
21 in front of a web cam, willing to do girl on girl, or if she was willing to do a guy. He explained she
22 would make more money depending on what she was willing to do. He told her she would make
23 even more money if she was willing to use "toys" such as a "strap-on" or if she would be willing to
24 have anal sex. He told her she could make \$4000 a night depending on what she was willing to do.
25 "Kevin" also told L.H. he would have to interview her before she met Lewis because he wanted to
26 make sure she wasn't an undercover police officer. L.H. told "Kevin" she was only 16 years old.

27

28

When they arrived at Black's Beach, "Kevin" told L.H. she could pose semi-nude or completely nude. L.H. told "Kevin" she would pose semi-nude. "Kevin" told L.H. he had a "secret place" they could go to take the pictures. L.H. noticed "Kevin" did not have any camera equipment with the exception of a small pink digital camera similar to a "Coolpix."

L.H. was wearing a thermal shirt, a T-shirt, a bra, a pair of shorts and thong underwear. "Kevin" told her to take the thermal off so she did. "Kevin" took a few photographs and then asked her to take off her shorts and T-shirt and he took some more photographs. "Kevin" asked L.H. to pose sexier like a Playboy model and explained that the sexier the pictures were, the higher she would be "rated". He also told her that Lewis would only work with girls who got a high score.

"Kevin" took more photographs of L.H. and then told her she should go into the water because it was very hot that day. She went into the water and he took more photographs of her in her now wet bra and thong. "Kevin" asked her to take her bra off and took photographs of her. He eventually asked her to take her thong off which she did. He took more photographs of her both in the front and in the back. "Kevin" directed L.H. to splash water on herself. She estimated "Kevin" took approximately 40 photographs of her.

When he was finished taking the photographs, "Kevin" told L.H.. she needed to freshen up before they went to the studio to take more photographs. L. H. went into the women's restroom and washed up. When she left the restroom, she saw "Kevin" walking very quickly to his car. She tried to catch up but was not able to. "Kevin" drove away leaving L.H. stranded in the parking lot. She had also left her black purse and a black 80 gig I-Pod in his car. L.H. was able to borrow a phone from a State Park ranger to call her boyfriend for a ride home. She did not call the police right away because she was concerned her guardians would find out.

On September 1, 2009, Lewis contacted L.H. over MySpace messaging and told her he wanted \$500.00 or he would post the pictures "Kevin" took of her at her high school. L.H. got scared and told her guardian what had happened. L.H.'s legal guardian drove her to the Northeastern Substation of the San Diego Police Department to report the incident.

On September 14, 2009, I received San Diego Police Department crime report for follow-up investigation. I called L.H.'s guardian and obtained L.H.'s Yahoo email and MySpace password. I

logged onto both L.H.'s MySpace and Yahoo account and changed the password so she could not access them.

A review of the MySpace messaging between L.H. and Lewis revealed the following correspondence:

September 1, 2009

Lewis: 12:45 AM "love the pics ty again sorry Kevin did that but u know can't trust no one"

L.H.: 9:04 AM "that was fucked up I was cryen and scared!!! Like wtf dude u guys could of told me that u had to go I had no problem !! my bag was in his car an I need it I have asthma an my meds r in their u guyz r so lucky I didn't have an attack I had to calm my self down like !!! I didn't know who to call im drama -ttized!!! Like really Kevin was tellen me how u where and how he was married he seemed like a nice guy! And I was really excited to meet u and really im hurt!!!!"

Lewis: 10:47 AM "really im sorry to hear that so I hear u want to join the army or something and you're a junior in high school man what will people think when they see the pics Kevin took of u????? do u think they will look at u differently?? And there no way the army or any branch will take if if the pics get out !!!!! so what ru willing to do for me to stop the pics from getting out in the public or better yet your aunt and your mom !!!!! u better get back to me today!!!!!! Don't make me wait I will check back in a few waiting for your answer!!!! Mike"

L.H.: 11:28 AM "wow u r using that agaist me y? wat did I do to u guyz gosh!!! Plez im serious y is this happening I have a future of head of me and I cant have my family look down on me I been a fuck up in my family and now im doen good but now with u tellen me bout the picss hurtz cuz I want to prove to my family tha I will make it in life but now itz all gone !!! I want to die!!!!"

Lewis: 12:01 PM "so what r u willing to do for me to get rid of the pics"

Lewis: 12:02 PM "so what your answer I need it now"

L.H.: 12:03 PM "idk no! im scareddd and im confused I want to kill my selfff"

L.H.: 12:04 PM "idk !! wat to doo!"

Lewis: 12:06 PM "don't give me idk stuff u got to do better then that I have a total of 38 pics of u what r u willing to give me to erase them u have 5 mins to answer me"

Lewis: 12:06 PM "5 mins"

L.H.: 12:07 PM "well I don't want to do anything like pixx no more anything sexual! Wat do u want me" to do!

L.H.: 12:08 PM "plezz deleetee them im doen nothen to hurt u guys and im just 16 plez erace the pixx plezzz !!!"

Lewis: 12:10 PM "u tell me all I have to do is pres one button and the pics can be all over myspace face book and local chat room plus I can make life size pics to

1 post all over the high school u got 4 mins to tell me what your willing to do or
2 give me"

3 Lewis: 12:10 PM "4 min"

4 L.H.: 12:11 PM I will go out wid uu and an do anything pleeezz! Don't !!
5 plezzzzzz

6 L.H.: 12:13 PM "plezzzzz dontt im baggen u ! come on have mercy!!!

7 Lewis: 12:14 PM "I want 500 dollars today and Kevin wants mmmm not sure u
8 will have to ask him"

9 L.H.: 12:17 PM "I don't have 500 hunded im poorrr"

10 Lewis: 12:18 PM "I want the money today I will send Kevin to pick it up today"

11 L.H.: 12:34 PM "I'll get the money out of my grandpas bank !!!!! I cant get it
12 today tho!!!

13 Lewis: 2:59 PM "well I guess u think im playing well im not I hope your aunt
14 and mom will love those pics of you"

15 L.H.: 3:23 PM "well u knoe like really I cant afford the money but im really trin
16 to get the money wid my grapz but come y do u need it by today ! any does it
have to be money!"

17 Lewis: 3:36 PM "if not money what r u going to offer me and kevin" Lewis: 9:45
18 PM "we thought about it and we want the money u have until 3:30 today weds to
19 have the money if not I will pose ever pics of u all over the doors on your block
20 plus all of the streets close to u plus I will pose all of your pics on the web sites
21 and all over myspace and face book and where ever anyone can see your face"

22 **On September 2, 2009**

23 Lewis: 7:00 AM "well I hope u got them money or something better u got until
24 3:30"

25 Lewis: 2:27 PM "okay [name of minor] u think im playing how will u like it
26 when I send all your pics to all your friends on myspace im sure your aunt and
27 mom would love to see your pics plus all your guy friends and girlfriends!!!! I
want the money today im not waiting anymore"

28 Lewis: 4:29 PM "go ahead avoid me im not going away until u pay me the
money

29 On October 12, 2009, at approximately 2:35 PM, "Michael Lewis" sent the following
30 message to L.H.: "so I see u got back on good to know well where my money don't forget I got your
31 pics" Attached to the message was an image of L.H. at the beach. She was not wearing a shirt or a
32 bra and both of her breasts were exposed.

On October 14, 2009, at approximately 4:10 PM, FBI Special Agent Renee Green posing as
1 L.H. sent Lewis the following message from L.H.'s MySpace account: "omg!!! Idk whut to say, my
2 fam is all po'd at me and my grap changed his bank. Plleeeeezzzz beliv me...I don't hav any
3 money!!!!!! Ive been scared to get online cuz I don't know what ti do. I'm begging u!!!!!! I saw my
4 pic on ur page and im FREAAKKKIIINGNNN OOOUTTTT!!!! I'll do anything!!!!"

5 Lewis responded "well I want 500 dollars or something of value equal to 500 dollars u have
6 until weds to get the money or something worth that much plus I want u to add me to your friends
7 listing if not I will send all of your pics plus post them all over the web plus post them all over the
8 school."

9 On October 15, 2009, at approximately 1:57 PM Lewis sent an email to L.H. "okay that it
10 time up im going to pose more of your pics on the youtube and facebook and myspace if u don't get
11 back to me what your willing to do or if u have the money." At 2:34 PM, Lewis further responded:
12 "well what do u have to offer me if u don't have money" At approximately 2:37 PM Agent Green
13 responded "idk, I friended u like u asked, im rrreeallly trying, whuddya want:" The following is a
14 continuation of the electronic dialogue:

15

16 Lewis: 2:40 PM "what do u have of value that equal 500 dollars I want it today
17 no excuses today or I will pose all 30 pics of u on youtube facebook myspace and
I will make life like posters of toy and pose them all over pq and mira mesa"

18 Agent Green: 2:46 PM "u said I had til wed!! how am I supozed to git 500 now?
19 My bday is next sat, I wuz hopin to get some \$ then but it wonet be enuf. Im 16 I
dont have shti wurth 500!!!"

20 Lewis: 2:48 PM "well how much do u have to steal it if u have too weds was
21 yesterday and today is Thursday I don't care how u get it I want it today"

22 Lewis: 3:05 "I will be back on in a few got to take some pics of other girls like u"
Agent Green: 4:46 PM "my aunt showed up. Gonna get my bf to drive me so I
can meet. Where u?"

23 Lewis: 5:00 "where r u hello"

24 Agent Green: 5:01 "hey"

25 Lewis: 5:01 "where r u"

26 Agent Green: 5:02 "waitin for bf"

27 Lewis: 5:03 "tell u want I will give u until Monday to come up with the money or
the laptop or something worth 500 if u make me wait longer then Monday I will

pose every pic I have of u on youtube facebook and myspace do u understand
me"

1 Agent Green: 5:03 "k I'm gonna work on it this weekend

2 Lewis: 5:04 by noon on Monday

3 Agent Green: 5:04 ok

4 Agent Green terminated her messaging with Lewis at that time.

5
6 DAI Flores "googled" the name "Michael Lewis" and found the following ad on the Internet:
7 "Models Jobs, Work From Home & Self Employed Jobs in San Diego, CA....looking for girls
8 18-35 to pose for adult website pay starts at 500 plus a day plz send full body pic to
9 michaellewis211@yahoo.com if u are."

10 Additional followup investigation revealed the Internet Protocol ("IP") address used by
11 "Michael Lewis" to contact L.H. I was able to identify Kevin Michael Gregan as "Kevin" who had
12 picked her up and taken photographs of L.H.

13 On January 6, 2010, DAI Flores showed L.H. the photo line-up. She looked at the
14 photographs, and identified Kevin Gregan by stating, "That guy. It's him."

15 On March 25, 2010, Gregan sent "L.H." [actually Agent Green posing as L.H.] a message
16 stating that if she did not pay him that he would take sexual favors in lieu of payment from L.H. On
17 March 27, 2010, Gregan continued the chat by stating that he wanted her laptop computer and "your
18 ass" today. He further stated that "I want you to suck my dick" and "fuck you doggy style." The
19 chat between "L.H." and Gregan continued on with Gregan demanding that L.H. set a time where
20 they could meet. Gregan continued to use very vulgar and crass language in chatting with L.H.

21 On March 30, 2010, Agent Green posing as L.H. agreed to meet Gregan in front of her
22 house to exchange sexual favors for the sexually explicit pictures he took of her at the beach at 5pm.
23 When Gregan pulled up the residence, agents with ICAC arrested him for extortion under state law.
24 Agents were also armed with a federal search warrant for Gregan's residence and vehicle he was
25 driving.

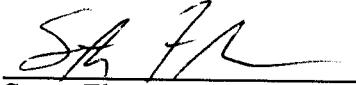
26 Agents executed a federal search warrant on Gregan's house and vehicle at the same time he
27 was arrested for extortion. The federal search warrant sought to search for and seize evidence of
28 production of child pornography and online enticement related to the chats Gregan and "L.H." had

1 since May 2009. Agents recovered the pink "Coolpix" camera that was used to take the photos in
2 Gregan's car as well as a computer in the residence that Gregan had uploaded the images to.

3 Gregan was arrested, read his Miranda rights and interviewed at the ICAC office. The entire
4 interview was video recorded. Gregan stated that he is married and lives at the Westonhill Drive
5 location. He admitted to being "Michael Lewis" and admitted to meeting L.H. and taking pictures
6 of her. He admitted to offering her \$500 for the pictures but he did not have \$500 to pay her, that's
7 why he left L.H. at the beach. He said he threw her purse in the trash but kept her Ipod, which he
8 gave to his wife. He claimed to try to extort money from L.H. because he is in debt and needed the
9 money. At first, he denied knowing L.H. was 16 years old and claimed for the majority of the
10 interview he thought she was 18. Toward the end, he finally admitted that he knew she was 16
11 years old before he took pictures of her and before he pressured her to have sex in exchange of the
photos.

12 **Request for Sealing**

13 It is further respectfully requested that this Court issue an Order sealing, until further order of this
14 Court, all papers submitted in support of this complaint, including the probable cause statement and
15 arrest warrant. Sealing is necessary because premature disclosure of the contents of this probable
16 cause statement and related documents may cause the defendant to flee and may cause destruction of
17 evidence and may have a negative impact on this continuing investigation.

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20 Steve Flores
21 Special Deputy U.S. Marshal
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